

# Declaration and Power of Attorney United States Patent Application

Patents and Design Patents  
Sole & Joint Inventors  
Convention & Non-convention  
PCT & Non-PCT  
This form cannot be amended, altered  
or changed after it is signed.  
(For use only for inventors who  
understand the English language.)

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

OPTICAL COMMUNICATION DEVICE

(check one) ☒ is attached hereto.

- ☐ was filed as U.S. Application No. \_\_\_\_\_ on \_\_\_\_\_ and (if applicable) was amended on \_\_\_\_\_.
- ☐ was filed as PCT International Application No. \_\_\_\_\_ on \_\_\_\_\_ and (if applicable) was amended under PCT Article 19 on \_\_\_\_\_.
- (I authorize any attorney appointed below to insert information in the preceding blanks.)

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) or §365(b) of any foreign and PCT application(s) for patent or inventor's certificate, or §365(a) of any PCT international application which designated at least one country other than the United States of America listed in this Declaration. I have also identified below any foreign application for patent or inventor's certificate or PCT international application having a filing date before that of the application(s) on which priority is claimed:

| Foreign/PCT Application No. | Country | Filing Date      | Priority Claimed? (yes/no) |
|-----------------------------|---------|------------------|----------------------------|
| 31891/2000                  | Japan   | 9 February, 2000 | Yes                        |

I hereby claim the benefit under Title 35, United States Code, §120 or §365(c) of any United States application and PCT international application designating the United States of America listed in this Declaration and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

| U.S. Application No. | Filing Date | Status (patented/pending/abandoned?) |
|----------------------|-------------|--------------------------------------|
|                      |             |                                      |

I hereby claim priority benefits under Title 35 United States Code §119(e) of any U.S. provisional application(s) listed below:

| U.S. Provisional Application No. | Filing Date |
|----------------------------------|-------------|
|                                  |             |

I hereby appoint the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Steven W. Collier (42429), Joseph A. DeGrandi (17446), Thomas L. Evans (35805), Carolyn A. Favorito (39183), Herbert M. Hanegan (25682), J. Rogers Lunsford, III (29405), Michael A. Makuch (32263), William F. Rauchholz (34701), Dennis C. Rodgers (32936), Charles L. Warner, II (32320), Robert G. Weilacher (20531), Richard G. Young (20628).

Send all correspondence to: Smith, Gambrell & Russell, LLP, Beveridge, DeGrandi, Weilacher & Young Intellectual Property Group, 1850 M Street, N.W. (Suite 800), Washington, D.C. 20036. All facsimiles may be sent to (202) 659-1462. Direct all phone calls to (202) 659-2811.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Signature: *Naoyuki Yamabayashi* Date: January 19, 2001

☐ Additional inventors and/or prior applications are listed in attached Supplemental Sheet(s).